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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Thomas James Killinger,) No. CV 11-1270-PHX-GMS (ECV)
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Charles L. Ryan, et al.,)
14 Defendants.)
15

16 Plaintiff Thomas James Killinger and four other inmates, who are confined in the
17 Arizona State Prison Complex-Yuma, filed a *pro se* civil rights Complaint pursuant to 42
18 U.S.C. § 1983. In an June 27, 2011 Order, the Court the severed the action into individual
19 cases. See Doc. 11 in CIV 11-934-PHX-GMS (ECV). Plaintiff has not paid the \$350.00
20 civil action filing fee or filed a proper Application to Proceed *In Forma Pauperis*. The Court
21 will give Plaintiff 30 days to pay the fee or file a completed Application to Proceed *In Forma*
22 *Pauperis*.

23 **I. Payment of Filing Fee**

24 When bringing an action, a prisoner must either pay the \$350.00 filing fee in a lump
25 sum or, if granted the privilege of proceeding *in forma pauperis*, pay the fee incrementally
26 as set forth in 28 U.S.C. § 1915(b)(1). An application to proceed *in forma pauperis* requires
27 an affidavit of indigence and a *certified* copy of the inmate's trust account statement for the
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1 six months preceding the filing of the Complaint. 28 U.S.C. § 1915(a)(2). An inmate must
2 submit statements from each institution where he was confined during the six-month period.
3 Id. To assist prisoners in meeting these requirements, the Court requires use of a form
4 application. LRCiv 3.4(a).

5 If a prisoner is granted leave to proceed *in forma pauperis*, the Court will assess an
6 initial partial filing fee of 20% of either the average monthly deposits or the average monthly
7 balance in Plaintiff's account, whichever is greater. 28 U.S.C. § 1915(b)(1). An initial
8 partial filing fee will only be collected when funds exist. 28 U.S.C. § 1915(b)(4). The
9 balance of the fee will be collected in monthly payments of 20% of the preceding month's
10 income credited to an inmate's account, each time the amount in the account exceeds \$10.00.
11 28 U.S.C. § 1915(b)(2).

12 **II. Failure to Comply With Statute**

13 Plaintiff has not paid the filing fee or submitted an Application to Proceed *In Forma*
14 *Pauperis* and certified six-month trust account statement. Plaintiff will be permitted 30 days
15 to either pay the \$350.00 filing fee or file a complete Application to Proceed *In Forma*
16 *Pauperis* and certified six-month trust account statement.

17 The Arizona Department of Corrections ("ADOC") has notified the Court that a
18 certified trust fund account statement showing deposits and average monthly balances is
19 available from the ADOC's Central Office. *Accordingly, Plaintiff must obtain the certified*
20 *copy of his ADOC trust fund account statement for the six months immediately preceding the*
21 *filing of the Complaint from the ADOC's Central Office.*

22 **III. Warnings**

23 **A. Address Changes**

24 Plaintiff must file and serve a notice of a change of address in accordance with Rule
25 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other
26 relief with a notice of change of address. Failure to comply may result in dismissal of this
27 action.

28 . . .

1 **B. Copies**

2 Plaintiff must submit an additional copy of every filing for use by the Court. See
3 LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice
4 to Plaintiff.

5 **C. Possible Dismissal**

6 If Plaintiff fails to timely comply with every provision of this Order, including these
7 warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*,
8 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
9 comply with any order of the Court).

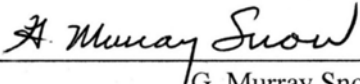
10 **IT IS ORDERED:**

11 (1) Within 30 days of the date this Order is filed, Plaintiff must either pay the
12 \$350.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis* and a
13 certified six-month trust account statement from the ADOC's Central Office.

14 (2) If Plaintiff fails to either pay the \$350.00 filing fee or file a completed
15 Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a
16 judgment of dismissal of this action without prejudice and without further notice to Plaintiff.

17 (3) The Clerk of the Court must mail Plaintiff a court-approved form for filing
18 an Application to Proceed *In Forma Pauperis* (Non-Habeas).

19 DATED this 11th day of July, 2011.

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22 _____
 G. Murray Snow
 United States District Judge